

Raj Kumar Vs. Sunita Kumari.

Cr. Revision No. 85 of 2026

05.02.2026 Present: Mr. Rajeev Sharma, Advocate, for the petitioner.

Cr.MP(M) No.176 of 2026

Since the revision petition is within limitation, the application for condonation of delay is rendered infructuous.

2. Application stands disposed of accordingly.

Cr. Revision No.85 of 2026

3. Issue notice to the respondent, returnable for **25.03.2026**, on taking steps within one week.

Cr.MP No.460 of 2026

4. Notice in the aforesaid terms.

5. By way of present application, the applicant/petitioner has prayed for suspension of substantive sentence imposed upon him by the learned Additional Chief Judicial Magistrate, Court No.1, Sundernagar, District Mandi, H.P., in Criminal Case No.468-1/2018, titled, Sunita Kumari Vs. Raj Kumar.

6. The applicant/petitioner was tried for commission of offence punishable under Section 138 of the Negotiable Instruments Act, 1881, for dishonour of cheque issued by him in favour of the respondent/complainant amounting to Rs.2,80,000/-. The learned trial Court vide judgment dated 08.02.2024 had convicted the applicant/petitioner and vide order dated

12.02.2024, sentenced him to undergo simple imprisonment for a period of one year and further to pay compensation of Rs.3,08,000/- to the respondent/complainant.

7. The applicant/petitioner feeling aggrieved by the judgment of conviction and order of sentence had preferred the appeal before the learned Additional Sessions Judge, Sundernagar, District Mandi, H.P., and the same was dismissed on 06.10.2025.

8. A perusal of grounds of revision reveals that the applicant/petitioner has raised arguable points in the revision petition. Since the learned trial Court has sentenced the applicant/petitioner to undergo simple imprisonment for a period of one year, it is ordered that the substantive sentence imposed upon the applicant/petitioner shall remain suspended till the next date of hearing, on the following conditions:

- *That the applicant shall deposit 30% of the compensation amount before the learned trial court within a period of eight weeks from today and in case, the amount as directed is not deposited within the afore-stated period, the substantive sentence imposed upon him shall be revived.*
- *That the applicant shall furnish personal bond in the sum of Rs. 50,000/- with one surety in the like amount to the satisfaction of the learned trial Court within eight weeks, with an undertaking therein that in case the revision petition filed by him is dismissed, he will surrender before the learned trial Court to serve the substantive sentence.*

- *That the applicant shall not leave the territory of India without the permission of this Court.*

List on **25.03.2026.**

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9. By way of present application, the applicant/petitioner has prayed for exemption from filing the certified copy of judgment of conviction and order of sentence dated 08.02.2024/12.02.2024 passed by the learned Additional Chief Judicial Magistrate, Court No.1, Sundernagar, District Mandi, H.P.

10. The application is disposed of with a direction to the applicant/petitioner to file the certified copy of judgment of conviction and order of sentence dated 08.02.2024/12.02.2024, passed by the learned trial Court within a period of four weeks.

5th February, 2026
(Kiran)

(Jiya Lal Bhardwaj)
Vacation Judge